

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

NO. 4:07CR00103 JLH

BARRY J. JEWELL

DEFENDANT

**ORDER**

On June 22, 2009, Barry J. Jewell filed a motion to place funds in the registry of the Court and to stay execution of his fine. He said in his motion that his wife, Heather Michelle Jewell, had entered into a contract to sell certain real estate, but she was unable to obtain title insurance on the property as a result of a cloud on the title created by the \$25,000 fine levied against Jewell in a notice of lien filed by the government. The motion stated that to obtain title insurance, Mrs. Jewell needed to deposit \$25,000 into the registry of the Court. The Court granted the motion, authorized the Clerk of the Court to receive the sum of \$25,000 from Barry J. Jewell or Heather Michelle Jewell, and stayed execution on the fine upon deposit of the \$25,000 into the registry of the Court.

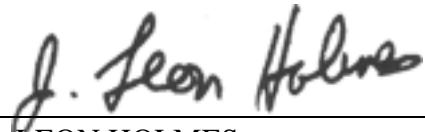
Heather Jewell now has filed a motion for release of the funds saying that the funds are solely her property and the government has no legal right, claim, or interest in the funds. Barry Jewell has joined in that motion.

The Court did not require Heather Jewell to deposit funds into the registry of the Court, nor was that done on motion of the government. The Court assumed at the time that the purpose of depositing the funds into the registry of the Court was to secure payment of the fine, thereby releasing any lien that the government might have to real property in which Barry J. Jewell might have an ownership interest. The Court also expected, based on the language of the motion to deposit

funds into the registry of the Court, that the funds would stay in the registry of the Court until the appeal was decided. Otherwise, there would be no legitimate reason for the funds ever to have been placed into the registry of the Court.

Accordingly, the motion for release of the funds is denied at this time. Document #312. The motion may be renewed after disposition of Barry J. Jewell's appeal by the United States Court of Appeals for the Eighth Circuit.

IT IS SO ORDERED this 7th day of October, 2009.

  
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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE